



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2457 FAX (603) 271-7894



Michael Joyce, Owner
44 Rhodes St.
Billerica MA 01821

LETTER OF DEFICIENCY
WMB-BWQ-2003-01
August 14, 2003

Re: File #1049, Chalk Pond, Newbury, Lot 67.

Dear Mr. Joyce

One of the many duties of the Department of Environmental Services (DES) Watershed Management Bureau is to ensure that all surface waters support their intended uses. To protect these uses, DES has established surface water quality standards (RSA 485-A:8 and Env-Ws 1700). The surface water quality standards apply discharges into surface waters (Env-Ws 1701.02). Erosion of unprotected soils into lakes, rivers and streams is one cause of elevated turbidity due to an increase of suspended solids to the water. Specifically, Env-Ws 1703.11 states that turbidity for Class B waters shall not exceed naturally occurring conditions by more than 10 NTUs (Nephelometric Turbidity Units).

On August 8, DES received a complaint for "lot 67" (complaint file #1049) on Hilltop Drive in Newbury, NH, for which Mike Theodore of Theodore & Sons, of East Andover, NH is the contractor. Details of the complaint included sample and photo documentation of excessive turbidity in stormwater runoff from lot 67 entering Chalk Pond, a Class B Waterbody. Based on this information the project has caused violations of New Hampshire's water quality standard for turbidity [Env-Ws 1703.11(b)] at the following location:

Date	Location	Turbidity (NTUs)	Typical Background Turbidity Level (NTUs)
8/9/03	Stream, South of 46 Gerald Drive	668	<1

On August 11, 2003, personnel from DES conducted a site inspection of lot 67. Based on the investigation the following deficiencies were identified:

1. Silt fence and hay bales were improperly installed. The Silt fence was staked but not properly secured in the ground. The silt fence was ineffective in retaining sediment in surface water runoff from the construction site, resulting in uncontrolled sediment-laden runoff to enter Chalk Pond.
 2. Additional silt fence and hay bales to what existed are necessary to contain the sediment on site. No vegetated buffer area was left in place to stabilize streambank soils.
 4. Brush, saplings and trees removed from the construction site were placed in the stream, a surface water of the State.
- Disturbed and unstabilized soils were observed throughout the construction area..

Compliance with the cited deficiencies can be achieved by immediately and properly installing silt fence and hay bales, adding additional silt fence and hay bales to encompass all areas with disturbed or exposed soils/fill, removing brush, saplings and trees from public waters without causing turbidity, and stabilizing/mulching all exposed soils and fill on site.

A report outlining how compliance has been achieved with the above cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. In the event that appropriate actions are not taken, DES may order you to take remedial measures as may be necessary. Failure to comply with such order may result in enforcement action by DES under RSA 485-A:8. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.

Enclosed, for your information, are details of proper silt fence and hay bale intallation. If you have any questions, please contact Andy Chapman at (603) 271-5334 or achapman@des.state.nh.us.

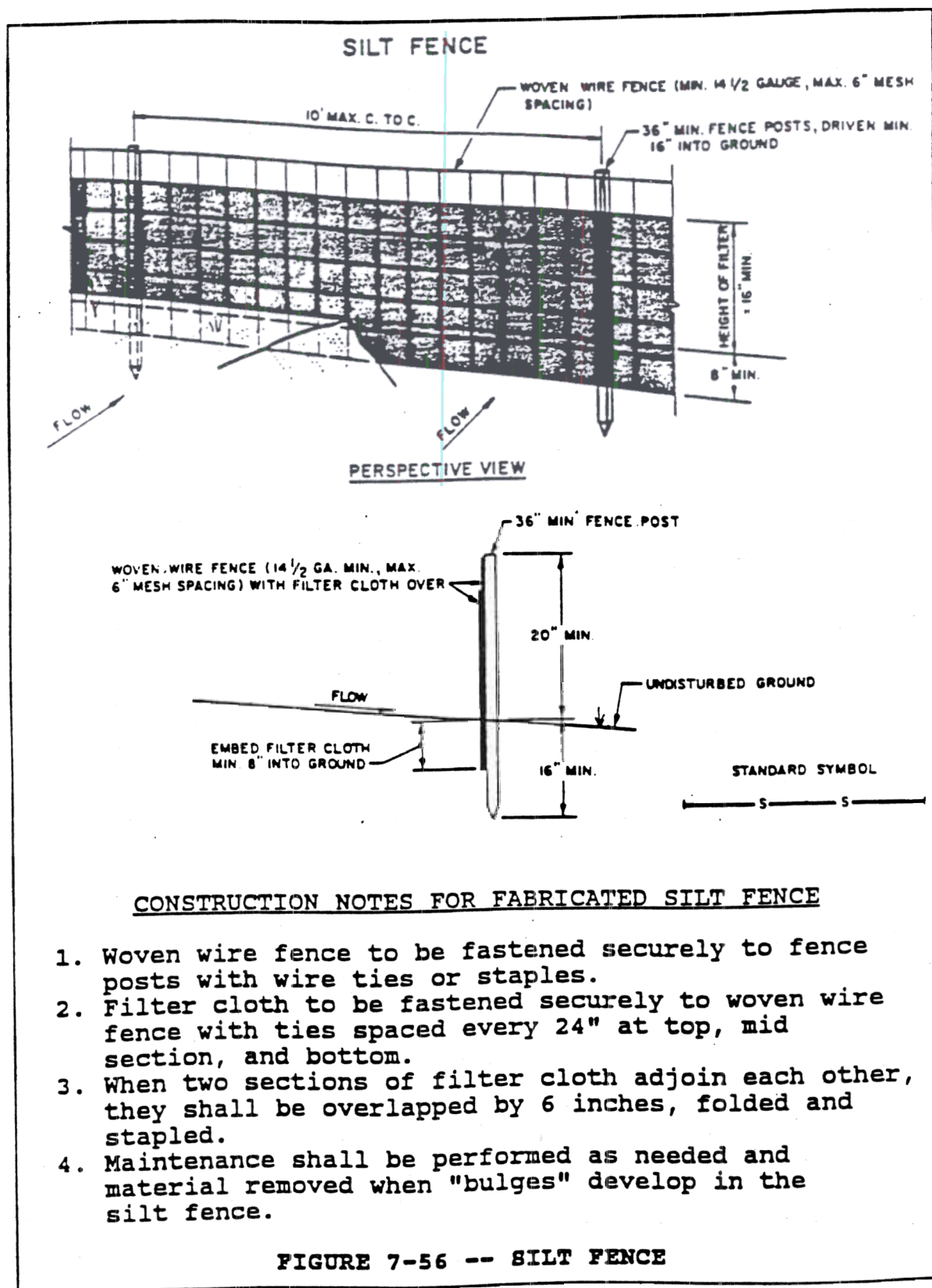
Sincerely,

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Jody
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J:\Complaints\1049, Chalk, Newbury, Hilltop lot 67\LOD-1049 0814200

Certified Mail # (7000 1670 0000 0586 0325)

cc: ✓ Mark Harbaugh, Enforcement Attorney, DES
Andy Chapman for Complaints Program File #1049-NHDES
Mike Theodore, Theodore and Sons, East Andover, NH (enclosure)
Cal Prussman and Dave Jescavage, Town of Newbury



Source: USDA Soil Conservation Service